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December 3, 2019

VIA ECF

The Honorable Robert B. Kugler
United States Magistrate Judge
District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Courtroom 4D
Camden, NJ 08101

The Honorable Joel Schneider
United States Magistrate Judge
District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Courtroom 3C
Camden, NJ 08101

Re: *In re Valsartan Products Liability Litigation*
Case No. 1:19-md-02875-RBK-JS
Retailer Defendants' Representation on Defense Executive Committee

Dear Judge Kugler and Judge Schneider:

We write on behalf of the pharmacy and retailer entities in these coordinated proceedings (collectively the “Retailer Defendants”) in order to request appointment of attorney Sarah E. Johnston of Barnes & Thornburg LLP to serve on behalf of the Retailer Defendants on the MDL Defense Executive Committee (“DEC”).

This letter and the request herein follows efforts to coordinate among the Retailer Defendants, many of whom were recently joined in the litigation, or who have recently engaged separate counsel.¹ The Retailer Defendants support this appointment, as do the current members of the DEC. There is no objection by any defendant to Ms. Johnston’s appointment on the DEC,

¹ See, e.g. Dkt. Nos. 250-252, 269-270, and 275-277 (Notices of Appearance by counsel for Defendants CVS Pharmacy, Inc., Express Scripts, and Albertsons Companies, LLC, on October 3, October 15, and October 21, respectively).

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and moreover, the Retailer Defendants agree that retailer representation on the DEC will conserve resources and encourage efficiency as to both existing and future discovery and MDL obligations.

Ms. Johnston has significant relevant experience to serve in this capacity. She has extensive experience defending product liability mass tort litigations on behalf of all defendants in the supply chain, and she is intimately familiar with the unique challenges faced by downstream defendants in the MDL setting. She currently serves as national coordinating counsel for pharmaceutical manufacturers, consumer product companies, and pharmacy chains in significant mass tort and single-plaintiff cases across jurisdictions. Since appearing in this lawsuit, Ms. Johnston has made efforts to facilitate communication among the Retailer Defendants, and with other Defendants and Plaintiffs' counsel, and is a logical choice to serve in this role.

Finally, Ms. Johnston agrees to efficiently and cooperatively represent the interests of the Retailer Defendants during future negotiations with Plaintiffs on existing and future discovery matters as they apply to the Retailer Defendants generally, to facilitate negotiations among the Retailer Defendants, and to assist the Court and the DEC in resolution of Retailer-specific discovery and evidentiary issues.

Accordingly, on behalf of the Retailer Defendants and the DEC, we respectfully request that this Court appoint Sarah E. Johnston to the Defendants' Executive Committee to serve as a representative of the Retailer Defendants.

Very truly yours,

s/ Sarah E. Johnston

BARNES & THORNBURG LLP,
Including appearing attorneys Sarah E.
Johnston, Kristen L. Richer, and Kara
Kapke